

**EXAMINATION GUIDELINES FOR COMPUTER-RELATED INVENTIONS**

**Example: AUTOMATED MANUFACTURING PLANT**



**Claim 13**

A computer data signal embodied in a carrier wave comprising:

- a. a compression source code segment comprising . . . [recites self-documenting source code]; and
- b. an encryption source code segment comprising . . . [recites self-documenting source code].

# **EXAMINATION GUIDELINES FOR COMPUTER-RELATED INVENTIONS**

Example: **AUTOMATED MANUFACTURING PLANT**

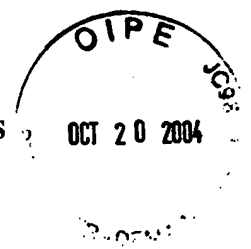


**Table for Claim 13**

BOX 2	Q.2a. Does disclosed invention have practical application?	YES	GoTo: Q.2b	Note 1
	Q.2b. Is disclosed invention in technological arts?	YES	GoTo: Q.6a	Note 2
BOX 6	Q.6a. Is claimed invention a computer program <i>per se</i> ?	NO	GoTo: Q.6b	Note 3
	Q.6b. Is claimed invention a data structure <i>per se</i> ?	NO	GoTo: Q.6c	
	Q.6c. Is claimed invention non-functional descriptive material?	NO	GoTo: Q.6d	
	Q.6d. Is claimed invention a natural phenomenon?	NO	GoTo: Q.8	Note 4
BOX 8	Q.8. Is claimed invention a series of steps to be performed on a computer?	NO	GoTo: Q.9	
BOX 9	Q.9. Is claimed invention a product for performing a process?	YES	GoTo: Q.10	
BOX 10	Q.10. Is claimed invention a specific machine or manufacture?	YES	GoTo: END	Note 5
BOX 12	Q.12a. Does process have post-computer process activity?		GoTo:	
	Q.12b. Does process have pre-computer process activity?		GoTo:	
BOX 13	Q.13a. Does process manipulate abstract idea w/o limitation to a practical application?		GoTo:	
	Q.13b. Does process solve math problem w/o limitation to a practical application?		GoTo:	

**EXAMINATION GUIDELINES FOR COMPUTER-RELATED INVENTIONS**

**Example: AUTOMATED MANUFACTURING PLANT**



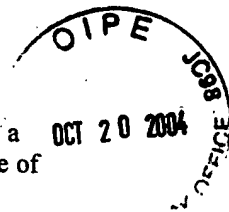
**Table Notes for Claim 13**

- Note 1: Disclosed invention monitors and controls an automated plant's manufacturing process.
- Note 2: Disclosed invention uses a general purpose computer system.
- Note 3: Claimed invention recites specific software embodied on a computer-readable medium, specific software embodied in a carrier wave.
- Note 4: Most likely, the "data signal" does not occur as a natural phenomenon. The Examiner bears the burden of establishing that a claimed invention is a natural phenomenon. Therefore, absent object evidence to support the position that the "data signal" is a natural phenomenon, such a position would be untenable.
- Note 5: Claimed invention recites specific software. See Guidelines, Section IV.B.2(a)(ii).  
**THE REMAINDER OF THE EXAMINATION MUST BE COMPLETED.**

For a more detailed analysis of the claim, see Examination Guidelines for Computer Related Inventions Example: Automated Manufacturing Plant Claim Analysis appended to these examples.

Claim 10 is further rejected under 35 U.S.C. § 103 as obvious. The embodiment of mere data on a "computer system apparatus" would have been obvious to a person of ordinary skill in the art at the time of invention.

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**CLAIM 11:**

Claim 11 is unclear as to whether it claims a computer program *per se* or a computer program embodied on a computer-readable medium. In particular, the preamble phrase "computer program" defines a set of instructions for execution on a computer, *i.e.*, a computer program *per se*. The body of the claim, however, recites means plus function language which defines at least a set of instructions embodied on a computer-readable medium to perform the recited functions. The claim is rejected under 35 U.S.C. § 112, ¶ 2 for failure to distinctly point out and claim the invention.

Claim 11 is also rejected under 35 U.S.C. § 101. It is reasonable to presume that applicant seeks to claim a computer program *per se*. A computer program *per se* cannot define any structural and functional interrelationships that permit the computer program's functionality to be realized.

The following amendment to claim 11 would render claim 11 a statutory article of manufacture claim:

- embodying the computer program on a computer-readable medium.

Claim 11 could also be amended to recite a statutory process.

**CLAIM 12:**

Claim 12 is an article of manufacture claim. It recites a computer program with two claim limitations:

- a. Element a. recites a specific source code segment for compression; and
- b. Element b. recites a specific source code segment for encryption.

Reviewed as a whole, and given its broadest reasonable interpretation, the claim is limited to a specific article of manufacture. Also, the computer program is embodied on a computer-readable medium. Thus, claim 12 is a statutory article of manufacture claim.

**CLAIM 13:**

Claim 13 is an article of manufacture claim. It recites a computer program with two claim limitations:

- a. Element a. recites a specific source code segment for compression; and
- b. Element b. recites a specific source code segment for encryption.

Reviewed as a whole, and given its broadest reasonable interpretation, the claim is limited to a specific article of manufacture. Also, the computer program is embodied on a computer-readable medium--the carrier wave. Thus, claim 13 is a statutory article of manufacture claim.